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democracy corresponding to the *vergadering* of Java. In Burma the village has become merely an administrative unit, whereas in Java the village still appears to be mainly a social unit. And it would hardly be possible to find a more striking contrast than between the Village Act of Java, designed as an instrument of social uplift, and the Village Act of Burma, designed as an instrument of law and order and 'vigorously enforced' by fines on villages, villagers and headmen. Government schemes in Java, we are told, 'risk failure if they appeal to the individual economic instincts and have a fair chance of being comprehended and accepted, if they are based on a foundation of organic co-operation'.[1]

Indebtedness. Both in Burma and Java agricultural indebtedness has accompanied, and has indeed been a condition of, economic progress. It was through giving out advances that the planter in Java secured his land and labour, and that the miller in Burma made certain of getting an adequate supply of paddy at the lowest possible rate. The Dutch, with their State pawnshops and People's Banks, have done more than has been attempted in Burma to provide credit on sound lines, but they have by no means solved the problem of indebtedness; alongside the state institutions the private moneylender still flourishes. But the application of native customary law to land, and the prohibition against the alienation of land to foreigners have obviated the most pernicious social and political consequences of agricultural indebtedness, and it is not in the same measure as in Burma a cause of agricultural distress and political ill-will.

Litigation and Crime. Until quite recently litigation was as unusual in Burma as it still is in Java. But in Burma the people have been encouraged to settle their disputes by the processes of western law; whereas in Java, customary law and the practice of arbitration and the settlement of disputes by reasonable compromise have survived.

An even greater contrast is presented in respect of crime. In Java the death sentence is almost unknown; for the five years from 1935 to 1939, with a population for the whole of Netherlands India of nearly 70 million, only three persons were sentenced to death; in Burma, with a fifth of the population, the death sentence is passed on some two hundred a year and upwards of a hundred a year are hanged. It is difficult to compare sentences of imprisonment, but the position in Java is very different from that in Burma where, for some thirty years, the accommodation for convicts has failed to keep pace with

[1] Hart, p. 65.

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674 681 the number sent to prison, and one reads year after year of overcrowded jails. In Burma whipping is freely used in addition to, or as a substitute for, imprisonment, and is a regular feature of jail discipline, whereas in Netherlands India whipping has been abolished as a judicial penalty and, though still permissible for unruly convicts, is in practice never used. In Burma, in addition to those convicted of offences, upwards of two thousand people a year may be placed on security, imprisoned or restricted under the ordinary Criminal Procedure Code, and another five hundred under the more rigorous provision of the Habitual Offenders Restriction Act.[1] In Netherlands India action along these lines seems to form no part of the ordinary processes of law. After the revolutionary outbreak of 1926–7 in Netherlands India, upwards of a thousand people were interned and deported by executive authority; but this was an exceptional measure to counter an emergency. In Burma, however, the Village Act provides for deportation as part of the recognized machinery of administration, and under this Act over twelve hundred were deported in connection with the rebellion of 1931.[2] In Burma collective penalties are imposed over large areas under the Police Act by quartering on them punitive police, of which the inhabitants must defray the cost; collective penalties may also be imposed on villages under two distinct sections of the Village Act. In the police courts of Burma a fine of less than Rs. 5 is unusual; in Java the penalty rarely seems to exceed half a guilder.

674 Yet in Burma, despite this vigorous enforcement of the law, crime continues to increase, whereas in Java the registers of the police stations seem mostly to be filled with charges as to the use of an unduly severe bit, riding a horse without a saddle, or something of that order.[3] In Netherlands India the whole system of administration is directed to preventing crime by removing its causes: in Burma the Government has been content to aim at maintaining law and order through legal penalties. In Lower Burma up to 1880 the proportion of Burman convicts was far lower than among other sections of the population, and up to 1910 Upper Burma was comparatively free of crime. These facts sufficiently dispose of a general indictment against the people as normally and naturally criminal, and the only possible conclusion would seem to be that the principles on which the administration of Burma has been conducted

[1] *RAB*, 1930–1, p. 23. [2] *RAB*, 1931–2, p. 77.
[3] *Netherlands India*, p. 299; Colijn, cited Bousquet, p. 90.